

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

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|------------------------|---|------------------------|
| BRANDON SHANE ANDREWS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:22-cv-00081-SNLJ |
| |) | |
| WAYNE COUNTY SHERIFF'S |) | |
| DEPT, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on initial review of plaintiff Brandon Shane Andrews' second amended complaint. On March 24, 2023, attorney Erin Christopher Bradley entered her appearance on behalf of self-represented plaintiff Brandon Shane Andrews. On April 24, 2023, Ms. Bradley filed the second amended complaint.

On initial review under 28 U.S.C. §1915(e), the Court finds that plaintiff's second amended complaint states plausible claims against defendants Wayne County, Missouri, Dean Finch, Chris Shultz, Jessica Rennick, Tim Ross, and Unknown Jail Nurse for violations of plaintiff's constitutional rights.¹

The Court declines to order the United States Marshals Service to effect service on defendants. *See e.g., White v. Ayush One LLC*, No. 4:23-cv-00445-SRC (E.D. Mo. May 1, 2023). Instead, the Court specially appoints plaintiff's counsel, Ms. Erin Bradley, as an officer of the

¹ For the Court's recitation of the factual background of plaintiff's case, see Memorandum and Orders dated August 31, 2022 and February 23, 2023. *See* ECF Nos. 5 and 10.

Court to effect service.² Section 1915(d) of Title 28 states that, in cases where plaintiffs proceed in forma pauperis, “[t]he officers of the court shall issue and serve all process.” An attorney is “an officer of the court.” *Maracich v. Spears*, 570 U.S. 48, 62-64 (2013) (describing an attorney as an officer of the court in the context of the attorney’s “professional responsibilities” and the “proper conduct of litigation”). Further, Rule 4 of the Federal Rules of Civil Procedure states that “[a]t the plaintiff’s request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915” Fed. R. Civ. P. 4(c)(3); *see also* White, No. 4:23-cv-00445-SRC, ECF No. 5; *James v. City of New York*, 1:15-cv-01161-VMS, 2015 WL 1285979, **2-3 (E.D.N.Y. Mar. 20, 2015).

Accordingly,

IT IS HEREBY ORDERED that the Court appoints Ms. Erin Bradley to effect service on defendants Wayne County, Missouri, Dean Finch, Chris Shultz, Jessica Rennick, Tim Ross, and Unknown Jail Nurse in this case.

Dated this 12th day of June, 2023.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE

² Ms. Bradley may hire a process server, but she may not bill the costs to Andrews unless he receives a monetary settlement or award that, after repayment of the filing fee, is equal to or greater than the cost of the process server.